

REMARKS

In the present Amendment, claims 40-46 are amended. Claims 3-8, 10, 13-15, 17-18, 20, 28-30, 34 and 36 are in their original form. Claims 1, 9, 16, 19, 23-27, 31-32, 37-39 and 47 are unchanged from the Amendment filed on June 1, 2009, and claims 2, 12 and 33 are unchanged from the Response filed on July 19, 2007. Claims 11, 21-22 and 35 were previously cancelled in Corrected Preliminary Amendment filed January 6, 2005. The listing of claims reflects all amendments made to claims 1-2, 9, 12, 16, 19, 23-27, 31-33 and 37-47 with respect to the original patent claims.

Allowed Claims

Applicants gratefully acknowledge the Examiner's allowance of claims 1-10, 12-20, 23-34, 36-39 and 47.

Claims Rejections under 35 U.S.C. §112

The Examiner rejected claims 40-43 under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner indicated that claims 40-43 lack antecedent basis for the terms "the food product-receiving chamber". Applicants have amended claims 40-43 as suggested by the Examiner and, therefore, respectfully request reconsideration of the rejections under 35 U.S.C. §112, second paragraph.

Claim Rejections - 35 U.S.C. § 251

The Examiner rejected claims 44-46 under 35 U.S.C. § 251, as being improperly broadened. The Examiner contends that claims 44-46 do not positively call for "a perforate food product-receiving chamber which includes 'a heat transfer medium'". Claims 44-46 have been amended so that each claim is no broader than issued patent claim 1, the sole independent claim from U.S. Patent No. 6,234,066. Accordingly, Applicants respectfully request withdrawal of the rejection of the claims under 35 U.S.C. § 251, as being improperly broadened.

Support for Changes Made to the Claims

In addition to the support identified in the previous responses, claims 40-46 are amended to include language of issued patent claim 1 such that each of these claims is no broader than issued patent claim 1.

CONCLUSION

In view of the above amendments and remarks, Applicants submit that rejected claims 40-46, as amended, are allowable, that all the rejections to the claims have been overcome, and that the application is in condition for allowance.

If consultation with Applicants' representative will further prosecution, the undersigned is available during normal business hours at the below-identified telephone number.

Respectfully submitted,

/Edward R. Lawson Jr./

Edward R. Lawson Jr.
Reg. No. 41,931

Docket No. 062108-9085-00
Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Suite 3300
Milwaukee, Wisconsin 53202-4108
414.271.6560